



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,533	12/27/2004	Brad Lewis	03-593-D	2537
20306 7590 04/12/2010 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER				
KIM, HEE SOO				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
04/12/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/519,533

**Applicant(s)**

LEWIS, BRAD

**Examiner**

HEE SOO KIM

**Art Unit**

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 67-83,85 and 86 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 67-83,85 and 86 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to amendment filed on January 14<sup>th</sup>, 2010.

Claims 67~83, 85, and 86 are presented for examination.

#### ***Response to Amendment***

Claims 67 have been amended.

Claims 67~83, 85, and 86 rejected on the ground of non-statutory obviousness-type Double Patenting is withdrawn in view of Terminal disclaimer submitted.

#### ***Response to Arguments***

Applicant's arguments filed 01/14/10 have been fully considered but they are not persuasive.

In response to Applicant's argument (Pg. 8) that Morris and Flom does not reasonably or logically lead to (i) a first wireless access device that communicates with a replicating device, wherein the replicating device is located on a movable land-based vehicle and replicates information stored at a master device remote from the replicating device, and (ii) a user interface that displays a status of whether the replication information at the replicating device is up-to-date, possibly outmoded, or outmoded. Examiner respectfully disagrees. In response to (i), Morris taught system 310 comprises of portable data collection terminals 312 (wireless device), a vehicle 329 for transporting MAS 331 (replicating device), and application server 330 (master server). If requested information is not locally stored in the MAS 331, a request is made for the information to the application server 330 and then presents to the portable terminals 312 (Col. 18, Ln. 54~60). In response to (ii), Flom taught when user requests that require content not

available in the portable device cache, the request is routed from the portable device to an Internet server. The server streams the content to the portable device fulfilling the user request. The portable device cache is updated with the content packages streamed down from the Internet server so that subsequent user requests have access to the updated cache [¶8]. Here, the Examiner interprets the passage as, when content presented to the user is updated, the content is fetched from the cache to fulfill the user's request. However, if the content is not available or outdated (outmoded), the content is then fetched from the Internet server and stored in the cache. Therefore, the outdated content in the cache is updated and in effect present updated content.

Therefore, the rejection is sustained as follows:

***Claim Rejections - 35 USC § 103***

Claims 67~83, 85, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. hereinafter Morris (U.S 6,112,206) in view of Flom et al. hereinafter Flom (U.S 2001/0054087).

Regarding Claim 67,

Morris taught a vehicle diagnostic device comprising:

a first wireless access device that communicates with a replicating device, wherein the replicating device is located on a movable land-based vehicle and receives replication information from a master device remote from the replicating device (Col. 15, Ln. 45~51, system 310 comprises of portable data collection terminals 312 (wireless device), vehicle 329 for transporting MAS 331 (replicating device), and application server 330 (master server));

a processor; data storage; programming instructions stored at the data storage, wherein the program instructions are executable by the processor to request at least a portion of the replication information from the replicating device when the replicating device is within communicable proximity of the first wireless access device (Col. 16, Ln. 20~22, 32~37; Col. 17, Ln. 1~5);

wherein the requested information comprises information for configuring at least one vehicle application obtained for the vehicle diagnostic device (Col. 15, Ln. 57~62), and

wherein the replicating device provides the at least a portion of the replication information to the vehicle diagnostic device in response to the request (Col. 18, Ln. 38~43).

Morris did not specifically teach a user interface that displays a status of whether the replication information at the replicating device is up-to-date, possibly outmoded, or outmoded.

In an analogous art, Flom taught a system including a portable device for presenting users with portable device applications and content. The portable device includes a cache for caching (replicating) content packages (abstract). A user of Portable device 94 can input search requests and commands. Searchable content packages may be cached on the portable device 94 in intelligent cache 94C. Once a content package has been cached in cache 94C, subsequent user requests on portable device 94 will have local access to the updated cache information [¶36].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a user interface that displays a status of whether the information replicated by the replicating device is up-to-date, possibly outmoded, or outmoded., as it would eliminate or minimize the need to send requests to server 92 and download information each time a request is made [Flom: ¶36].

Regarding Claim 78,

Morris taught the vehicle diagnostic device is a handheld device (Col. 15, Ln. 45~46, portable data collection terminals 312).

Regarding Claim 79,

Morris taught the first wireless access device is configured to automatically detect a beacon signal from the movable land-based vehicle, and wherein the vehicle diagnostic devices requests the replicated information in response to the beacon (Col. 16, Ln. 20~22).

Regarding Claim 80,

Morris taught the replicating device receives the information from the master device after the replicating device is transported by the land-based vehicle into a coverage area provided by a second wireless access device (Col. 16, Ln. 22~28).

Regarding Claim 81,

Morris taught the second wireless access device couples the replicating device to the master device when the replicating device is within communicable proximity of the second wireless access device (Col. 16, Ln. 50~56).

Regarding Claim 86,

Morris taught wherein the program instructions further comprise instructions executable by the processor to prompt a user to determine if the replicated information on the replicating device should be updated via a remote network (Col. 18, Ln. 38~60).

Claims 68~77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Flom and further in view of Lowrey et al. hereinafter Lowrey (U.S. 6,611,740).

Regarding Claims 68,

The combination of Morris and Flom taught all the limitations of claim 67 however, failed to specifically teach the at least one vehicle application comprises an application for measuring a voltage.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 69,

The combination of Morris and Flom failed to specifically teach the measured voltage is a battery voltage.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 70,

The combination of Morris and Flom failed to specifically teach the at least one vehicle application comprises an application for detecting a voltage.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 71,

The combination of Morris and Flom taught all the limitations of claim 67 however, failed to specifically teach the detected voltage is a battery voltage.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 72,

The combination of Morris and Flom failed to specifically teach the at least one vehicle application comprises an application for measuring an idle speed.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 73,

The combination of Morris and Flom failed to specifically teach the at least one of vehicle application comprises an application for detecting an idle speed.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 74,

The combination of Morris and Flom failed to specifically teach the at least one vehicle application comprises an application for measuring an engine rpm.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 75,

The combination of Morris and Flom failed to specifically teach the at least one vehicle application comprises an application for detecting an engine rpm.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 76,

The combination of Morris and Flom failed to specifically teach the at least one vehicle application comprises an application for measuring a cam anomaly.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Regarding Claim 77,

The combination of Morris and Flom failed to specifically teach the at least one vehicle application comprises an application for detecting a cam anomaly.

Lowrey taught an Internet-based vehicle diagnostic system which measures diagnostic data from vehicles and transmits such data to a website for later access (Col. 5, Ln. 60~64, Fig. 6B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement, a vehicle application for measuring data as taught by Lowrey into Morris' data capture system, as it would allow accurate troubleshooting by service centers to determine problems with vehicles (Lowrey, Col. 5, Ln. 18~26).

Claims 82, 83, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Flom and further in view of 'Official Notice'.

Regarding Claim 82,

The combination of Morris and Flom taught all the limitations of claim 81, however did not specifically teach the first wireless access device and the second wireless access device each carry out communications with the replicating device according to an IEEE 802.11 standard.

Morris taught the communication between the portable terminals and the MAS 331 (replicating device) occurs by link 347 (first wireless communication capability) and the communication between the MAS 331 and WAN 333 occurs by link 349 (second wireless communication capability) (Col. 16, Ln. 20~26). Although Morris did not explicitly disclose both wireless communication capabilities are according to an IEEE 802.11 standard, Examiner takes 'Official Notice' in that it was well-known in the art that wireless communications between various devices are based on the popular IEEE 802.11 standard (i.e. 802.11(b) "WiFi").

Regarding Claim 83,

The combination of Morris and Flom taught all the limitations of claim 81, however did not specifically teach the first wireless access device and the second

wireless access device each carry out communications with the replicating device according to a Bluetooth specification.

Morris taught the communication between the portable terminals and the MAS 331 (replicating device) utilizing link 347 and the communication between the MAS 331 and WAN 333 occurs by link 349 (second wireless communication capability) (Col. 16, Ln. 20~26). Although Morris did not explicitly disclose both wireless communication capabilities are according to an IEEE 802.11 standard, Examiner takes 'Official Notice' in that it was well-known in the art that wireless communications between various devices may be based on the popular IEEE 802.11 standard (i.e. 802.11(b) "WiFi").

Regarding Claim 85,

The combination of Morris and Flom taught all the limitations of claim 81, however did not specifically teach the first wireless access device and the second wireless access device each carry out communications with the replicating device according to a wireless local area network (WLAN) specification.

Morris taught the communication between the portable terminals and the MAS 331 (replicating device) occurs by link 347 (first wireless communication capability) and the communication between the MAS 331 and WAN 333 occurs by link 349 (second wireless communication capability) (Col. 16, Ln. 20~26). Although Morris did not explicitly disclose both wireless communication capabilities are according to (WLAN) specification, Examiner takes 'Official Notice' in that it is well-known in the art that wireless communications based on WLAN specification such as the IEEE 802.11 standard is widely used in wireless technologies.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEE SOO KIM whose telephone number is (571)270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Art Unit: 2457

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./

04/05/10

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457